

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:20-CV-160-FL

DARCY VONDERGATHEN and ANDRE )  
GROVER and all others similarly situated, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
FM JANITORIAL SERVICES, INC. #2, )  
JOSE RODRIGUEZ and MARIA JOYA, )  
 )  
Defendants. )

**JOINT MOTION FOR APPROVAL OF FLSA SETTLEMENT**

Pursuant to the Court's Order (DE 56) and *Taylor v. Progress Energy, Inc.*, 493 F.3d 454, 460 (4th Cir. 2007), *superseded on other grounds by regulation*, 29 C.F.R. § 855.220 (2009), and *Shelton v. Pargo, Inc.*, 582 F.2d 1298, 1314-16 (4th Cir. 1978), Plaintiffs and Defendants, by and through their undersigned counsel, jointly move this Court for approval of the Settlement Agreement (attached as Exhibit 1 to this Joint Motion) reached by the parties as a fair and reasonable resolution of a bona fide Fair Labor Standards Act dispute.

Respectfully submitted, this the 17<sup>th</sup> day of December, 2021.

BY: /s/ Clermont F. Ripley  
Clermont F. Ripley  
NC Bar #36761  
North Carolina Justice Center  
PO Box 28068  
Raleigh, NC 27611  
TEL: (919) 856-2154  
FAX: (919) 856-2175  
[clermont@ncjustice.org](mailto:clermont@ncjustice.org)  
Attorney for Plaintiffs

BY: /s/Matthew W. Buckmiller

MATTHEW W. BUCKMILLER, NCSB No. 35194

[mbuckmiller@bbflawfirm.com](mailto:mbuckmiller@bbflawfirm.com)

4700 Six Forks Road, Suite 150

Raleigh, North Carolina 27609

TEL: (919) 296-5040

FAX: (919) 977-7101

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the original of the foregoing document on the following person(s) and/or entities listed below by e-mail, addressed as follows:

This the 17th day of December 2021.

/s/ Clermont F. Ripley  
Clermont F. Ripley